

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO: 1871 of 1998

Between:

Ayyagari Narsamamba, W/o. Late Surya Prakasa Rao,
Patimeeda, Nidadavole, West Godavari District.

... PETITIONER

AND

1. The A.P.S.E.B. Represented by its Member-Secretary,
Vidyuth Soudha, Hyderabad.
2. The Executive Engineer, M.S.T. Division,
A.P.S.E.B. L.S.H.E. Scheme,
Donkarai-531110.
3. The Divisional Engineer, APSEB Operation,
Nidadavole.
4. Executive Engineer, Civil Maintenance Division, L.S.H.E. APSEB,
Donkarai, West Godavari District.
5. The Regional provident Fund Commissioner,
Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents Board in not extending the family pension benefit to the petitioner being the wife of the deceased employee as illegal and arbitrary and consequently direct the respondents 1) to treat that the petitioner's husband is a Member of E.P.F. Scheme/Family pension Scheme 2) to release the family pension benefits from the date of the death of the petitioner's husband with all consequential benefits.

Counsel for the Petitioner: MR. G. VIDYASAGAR

Counsel for the Respondent Nos.1 to 4: Mr.Samineni Kishore

Counsel for the Respondent No.5: MR.R.N.REDDY

The Court made the following:

ORDER: -

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This writ petition is filed seeking *mandamus* declaring the action of the respondent Board in not extending the family pension benefit to the petitioner, being the wife of the deceased employee, as illegal and arbitrary and to consequently direct the respondents to treat that the petitioner's husband was a member of E.P.F. Scheme/Family Pension Scheme and to release the family benefits from the date of death of petitioner's husband with all consequential benefits.

2. The only question that arises for consideration in this writ petition is whether the petitioner is entitled for any pensionary benefits, under any Scheme available in the Andhra Pradesh State Electricity Board (for short 'Board').

3. It is the case of the fifth respondent that the first respondent is excluded from the purview of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and hence it is the other respondents to consider as to whether the petitioner is entitled for any benefits under other Schemes.

4. It is the contention of the learned Counsel for the petitioner that though the petitioner did not make contribution, since the aforementioned Scheme was not extended to the Board, the petitioner is entitled to be considered for grant of family pension under the Andhra Pradesh Liberalized Pension Rules, 1980, which was adopted by the Board.

5. Be that as it may without expressing any opinion on merits, the second respondent herein is directed to consider the feasibility of sanction of family pension to the petitioner, in view of death of her husband in 1992 under the A.P. Liberalized Pension Rules, 1980 if the same has been adopted by erstwhile Board and if it is applicable in case of the petitioner, and pass appropriate orders within a period of four weeks from the date of this order, particularly in the light of representation dated 10-07-1992 made by the petitioner .

6. The writ petition is accordingly disposed of. No order as to costs.

C. V. RAMULU, J

Dt.18-07-2005

GLV

ASSISTANT REGISTRAR

Copies to:

1. The Member-Secretary,
A.P.S.E.B.,
Vidyuth Soudha, Hyderabad.
2. The Executive Engineer, M.S.T. Division,
A.P.S.E.B. L.S.H.E. Scheme,
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West Godavari District.
5. The Regional provident Fund Commissioner,
Visakhapatnam.
6. Two CD copies

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